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GREENBERG TRAURIG, LLP
77 WEST WACKER DRIVE
SUITE 2500
CHICAGO, IL 60601-1732

EXAMINER	
HO, THOMAS Y	

ART UNIT	PAPER NUMBER
3677	

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/786,263	MATHER, ANDREW H.	
	Examiner	Art Unit	
	Thomas Y Ho	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 April 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26 and 28-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26 and 28-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

Claims 1-26 and 28-30 are pending. Claims 27 and 31 have been withdrawn or cancelled.

Claim Objections

Claims 1, 13, 14, 26, and 28 are objected to because of the following informalities: the word "modelling" should be --modeling-- for proper spelling. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-26 and 28-30 are rejected under 35 U.S.C. 102(a) as being anticipated by Walker US5794207.

As to claim 1, Walker discloses, a uniform and generalized transaction modeling computer system 200 operable with a separate client system 300/400 and adapted to perform negotiation (offer/counteroffer) and decision (buy/sell) functions related to a transaction (purchase), the system comprising a processor 205/210/230 and a computer-readable storage medium 215/220/250, the computer-readable storage medium providing locations for a plurality of entities, the entities being accessible to the processor, and the entities including at least one entity of each of the following forms: a first entity/Thing entity (the buyer or seller file in the

buyer or seller database) having the properties of identifying a client system and uniquely identifying using a client system reference an object (any buyer or seller data in the buyer or seller file is an object) in that client system; a second entity/Proposal entity (for a buyer, the proposal entity is a CPO) created by the client system for defining a transaction, the second entity being subordinate directly or indirectly to a first entity (the CPO is always associated with information from the first entity, or buyer/seller database file) and having the properties of modeling at least one external agent (operating system that creates the marketplace) to carry out a transformation (post CPO to buyer/seller computer interfaces in a marketplace) in relation to the first entity and of modeling at least one counter-party (buyers and sellers are counter-parties to one another) to the transaction; and a third entity/Decision entity (the decision entity can be the seller response, which communicates with the CPO) capable of communicating with a second entity and having the properties of defining the types of decision that may be made including at least a decision to accept and a decision to decline the transaction, and determining the responses in relation to those decisions.

As to claim 2, Walker discloses, further comprising at least one fourth entity/Assignment entity 275/285 subordinate to an associated first entity, the fourth entity having the properties of uniquely identifying the associated first entity, and identifying a particular type of assignment or transformation (the assignment can be assigning a bound contract) to be applied to the first entity.

As to claim 3, Walker discloses, in which the fourth entity also identifies a quantity (amount of payment).

As to claim 4, Walker discloses, in which an agent (operating system) modeled by the second entity includes at least two parties to a transaction (buyers and sellers).

As to claim 5, Walker discloses, in which the second entity (CPO) additionally identifies the direction of negotiation between the parties (by sending an CPO, the indicates a direction from buyer to seller).

As to claim 6, Walker discloses, wherein there are a plurality of second entities (there are many fields that track/define a CPO), one of which Subordinate Proposal entity (a field in a CPO) is subordinate to another second entity, and includes the property of identifying the second entity to which it is subordinate.

As to claim 7, Walker discloses, further comprising a plurality of associated second entities/Sibling Proposal entities (a plurality of fields that track/define the CPO) all of which are directly subordinate to said second entity or to another associated second entity and each including the property of identifying the second entity to which they are subordinate whereby the said associated second entities include quantities (date, time, price, etc.) which together correspond to the quantity (offer) of the said second entity to which they are subordinate.

As to claim 8, Walker discloses, in which the third entity (seller response) is multidimensional (each response in a database can be thought of as a row, with each field of the response, such as name, ID, date, etc. being a column) and contains multidimensional vectors indicative of values resulting from an associated second entity (CPO).

As to claim 9, Walker discloses, in which at least one third entity (seller response) is a partial entity (CPO tracking number) indicating a partial response (tracking number) from a second entity (CPO).

As to claim 10, Walker discloses, wherein there are a plurality of second entities (there are many fields in a CPO) and further comprising at least one further entity/Tender entity (price) associated with a plurality of second entities and a single first entity (each CPO is from a buyer/seller), and identifying at least a quantity.

As to claim 11, Walker discloses, in which the system does not validate data input into the system.

As to claim 12, Walker discloses, in which the system provides for at least the following functions: (i) creation of a new entity, (ii) loading a selected entity or entities into a working memory of the computer system, (iii) incrementing a multidimensional array (adding a file, having multiple fields, into any of the databases is incrementing a multidimensional array, where each file is a row heading, and each field is a column heading), (iv) retrieving a value from an entity, and (v) advising the client system of an event (this can be in the form of an e-mail).

As to claim 13, Walker discloses, a uniform and generalized transaction modeling computer system 200 operable with a separate client system 300/400 and adapted to perform negotiation (offer/counteroffer) and decision (buy/sell) functions related to a transaction (buying/selling), the system comprising a processor 205/210/230 and a computer-readable storage medium 215/220/250, the computer readable storage medium providing locations for a plurality of entities, the entities being accessible to the processor, and the entities including at least one entity of each of the following forms: a first entity/Thing entity (buyer or seller file in a buyer or seller database) having the properties of identifying a client system and uniquely identifying an object in that client system; a second entity/combined Proposal/Assignment entity (CPO file) created by the client system for defining a transaction, the second entity being

subordinate to a first entity and having the properties of (i) modeling at least one external agent 240 to carry out a transformation (post CPO in the marketplace, translate, etc.) in relation to the first entity and modeling at least one counter-party (buyers and sellers are counter-parties to one another) to the transaction, and (ii) uniquely identifying the associated first entity (ID number), and identifying a particular type of assignment or transformation (assignment or transformation can be assigning a bound contract, or debiting an account) to be applied to the first entity; and a third entity/Decision entity (the decision entity can be a seller response to a CPO or a buyer response to a counteroffer) capable of communicating with a second entity and having the properties of defining the types of decision that, may be made including at least a decision to accept and a decision to decline the transaction, and determining the responses in relation to those decisions.

As to claim 14, Walker discloses, a uniform and generalized transaction modeling computer system operable with a separate client system and adapted to perform negotiation and decision functions related to a transaction, the system comprising a processor and a computer-readable storage medium, the computer-readable storage medium providing means for storage of a plurality of entities, the entities being accessible to the processor, the system comprising: first means defining a first entity (Thing entity) having the properties of identifying a client system and uniquely identifying an object in that client system; second means defining a second entity (Proposal entity) for defining a transaction, the second entity being subordinate directly or indirectly to a first entity and having the properties of modeling at least one external agent to carry out a transformation in relation to the first entity and of modeling at least one counter-party to the transaction; and third means defining a third entity (Decision entity) capable of

communicating with means defining a second entity and having the properties of defining the types of decision that may be made including, at least a decision to accept and a decision to decline the transaction, and determining the responses in relation to those decisions.

As to claim 15, Walker discloses, further comprising at least one fourth means defining a fourth entity/Assignment entity 275/285 subordinate to an associated first entity, the fourth entity having the properties of uniquely identifying the associated first entity, and identifying a particular type of assignment or transformation to be applied to the first entity.

As to claim 16, Walker discloses, in which the fourth entity also identifies a quantity.

As to claim 17, Walker discloses, in which an agent (operating system that displays information onto user interfaces) modeled by means defining the second entity includes at least two parties to a transaction (buyers and sellers).

As to claim 18, Walker discloses, in which the means defining a second entity additionally identifies the direction of negotiation between the parties (by sending an CPO, the indicates a direction from buyer to seller).

As to claim 19, Walker discloses, wherein there are a plurality of means (many fields that identify a certain CPO) defining a second entity (CPO) one of which Subordinate Proposal entity is subordinate to another second entity and includes the property of identifying the other second entity to which it is subordinate.

As to claim 20, Walker discloses, further comprising a plurality of means (fields) defining associated second entities/Sibling Proposal entities all of which are directly subordinate to said second entity or to another second entity and each including the property of identifying the second entity to which they are subordinate whereby the said associated second entities

include quantities which together correspond to the quantity of the said second entity to which they are subordinate.

As to claim 21, Walker discloses, in which the third entity is multidimensional (for example, a seller response in the database 270 has a file with many fields; the file is a row, and each field is a column heading, and so by having many files in a database, this makes a multidimensional array) and contains multidimensional vectors indicative of values resulting from an associated second entity (CPO).

As to claim 22, Walker discloses, in which at least one third entity is a partial entity indicating a partial response from a second entity.

As to claim 23, Walker discloses, wherein there are a plurality of means (fields) defining a second entity (CPO) and further comprising at least one means defining a further entity/Tender entity (price field) associated with a plurality of second entities and a single first entity, and identifying at least a quantity.

As to claim 24, Walker discloses, in which the system does not validate data input into the system.

As to claim 25, Walker discloses, in which the system provides for at least the following functions: (i) creation of a new entity, (ii) loading a selected entity or entities into a working memory of the computer system, (iii) incrementing a multidimensional array, (iv) retrieving a value from an entity, and (v) advising the client system of an event (such as through e-mail).

As to claim 26, Walker discloses, a uniform and generalized transaction modeling computer system operable with a separate client system and adapted to perform negotiation and decision functions related to a transaction, the system comprising a processor and a computer-

readable storage medium, the computer-readable storage medium providing means for storage of a plurality- of entities, the entities being accessible to the processor, the system comprising: first means defining a first entity (Thing entity) having the properties of identifying a client system and uniquely identifying an object in that client system; second means defining a second entity (combined Proposal/Assignment entity) for defining a transaction, the second entity being subordinate to a first entity, and having the properties of (i) modeling at least one external agent to carry out a transformation in relation to the first entity and of modeling at least one counter-party to the transaction, and (ii) uniquely identifying the associated first entity, and identifying a particular type of assignment or transformation to be applied to the first entity; and third means defining a third entity (Decision entity) capable of communicating with means defining a second entity and having the properties of defining the types of decision that may be made including at least a decision to accept (bind a contract) and a decision to decline (send counteroffer) the transaction, and determining the responses in relation to those decisions.

As to claim 28, Walker discloses a uniform and generalized method of programming a computer as a transaction modeling system, the computer system being operable with a separate client system and adapted to perform negotiation and decision functions related to a transaction, the method comprising the steps of: providing a computer system comprising a processor and a computer-readable storage medium the computer-readable storage medium providing locations for a plurality of entities the entities being accessible to the processor; generating with said processor on said computer-readable storage medium a first entity (Thing entity) having the properties of identifying a client system and uniquely identifying using a client system reference an object in that client system; generating with said processor on said computer-readable storage

medium and using said client system a second entity (Proposal entity) for defining a transaction, the second entity being subordinate directly or indirectly to a first entity and having the properties of modeling at least one external agent to carry out a transformation in relation to the first entity and of modeling at least one counter-party to the transaction; and generating a third entity (Decision entity) capable of communicating with a second entity and having the properties of defining the types of decision that may be made including at least a decision to accept and a decision to decline the transaction, and determining the responses in relation to those decisions.

As to claim 29, Walker discloses, a computer program product directly loadable into the internal memory of a digital computer, and comprising software code portions for causing the computer to become a computer system in accordance with claim 1 when the product is run on a computer.

As to claim 30, Walker discloses, a computer program product directly loadable into the internal memory of a digital computer, and comprising software code portions for causing the computer to become a computer system in accordance with claim 14 when the product is run on a computer.

Response to Arguments

Applicant's arguments with respect to claims 1-26 and 28-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. US5809144 to Sirbu discloses a method and apparatus for purchasing/delivering digital goods (special attention to Figure 3).
2. US5845266 to Lupien discloses a network utilizing satisfaction density profiles to aid traders (special attention to Figures 1 and 2).
3. US5850442 to Muftic discloses a secure world wide electronic commerce over an open network.
4. US5873071 to Ferstenberg discloses a computer method and system for exchange of commodities (special attention to Figure 1).
5. US5905975 to Ausubel discloses a computer implemented method and apparatus for auctions.
6. US6014643 to Minton discloses an interactive securities trading system.
7. US6041308 to Walker discloses a system and method for motivating CPOs (special attention to Figures 1-5).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TYH

ROBERT J. SANDY
PRIMARY EXAMINER